THE ISSUES RAISED BY THE REBELLION—THE STATUS OF THE SECEDED STATES—POWER OF CONGRESS UNDER THE CONSTITUTION—THE WAR UPON RACE—RESTRUCTURE OF SOUTHERN STATE GOVERNMENT—SOUTHERN REPRESENTATION IN CONGRESS—PROTECTIVE CHARACTER IN THE DESIGN OF THE WHOLE GOVERNMENTAL FRAMEWORK, STATE AND NATIONAL.

SPEECH

OF

HON. JAMES W. NYE,

OF NEVADA,

IN THE UNITED STATES SENATE, FEB. 28, 1866.

Resolution under consideration:

Resolved by the House of Representatives, (the Senate concurring,) That in order to close agitation upon a question which seems likely to disturb the action of the Government, as well as to quiet the uncertainty which is agitating the minds of the people of the eleven States which have been declared to be in insurrection, no Senator or Representative shall be admitted into either branch of Congress from any of said States until Congress shall have declared such State entitled to such representation.

Mr. NYE. Mr. President, in striking a ring, hit it where we may, we strike it in the centre. It is thus with the manifold questions before the country. They are so blended, so interwoven with each other by inseparable connection, that hazard may be incurred by giving too much prominence in one direction, more especially if we fail to comprehend at the same time what is of equal importance in another. We are fallen on times and emergencies that have complicated questions beyond all past precedent. If ever there was a time that required rational deliberation, that time is now. I need not say there will be much and wide disparity of opinion; for it is unavoidable. Allow me to venture the suggestion, sir, that in the midst of our manifold embarrassments and difficulties there is and can be but one rule of conduct that will carry us safely through; and that is, a firm adherence to simple principle.

In approaching the subject or questions before the Senate, I will not attempt to travel anew over the battle fields where loyalty has successfully combatted treason. Though we cannot avoid the tearful memory of our young men, sacrificed in defence of the nationality, or more inhumanly murdered in confederate prisons, duty requires us to act, not from the force of resentment for the past, but security

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for the future. We cannot forget, nor should we, that we are now contemplating the cause of a conflict that has filled the land with widows and orphans; nor, Mr. President, whatever the inclination, will we be allowed to forget the vast accumulation of public debt that will hang for years like an incubus on the toil and industry of the country. It is no time now to gloss over or attempt to palliate the motives in which the rebellion originated. It is now necessary that we should take these motives into strict account, not only for the purpose of dealing with the present, but also for the purpose of understanding the better how to guard the future.

It has been said by a prominent Unionist of the South that "the motives of the treason should be stamped on the future history of the war." With that sentiment I concur. If ours has been the cause of justice defending itself against the machinations of injustice; if ours was the cause of humanity defending itself against brutality; if ours was the cause of Christian civilization defending itself against a remnant of barbarism transmitted from a pagan age; and if there has also mingled in the conflict a contention over the fundamental principles of government, it is well that the world should know it. If Richard Cobden, of England, truthfully characterized the revolt when he pronounced it "an aristocratic rebellion against a democratic government," it is essential that our whole people should be made to comprehend the nature of the conflict. If it has thus far been a battle between the opposing principles of aristocracy on the one hand and democracy on the other, then, sir, I will assume that the settlement should be made and a finality enforced in accordance with the exact issue on which the battle has thus far been fought.

A southern Unionist, who watched the progress of treason and analyzed its motives from an inside view, has given the theory of the rebellion in these words:

"Separation from the North; the abrogation of the democratic principle in southern politics; the institution of government through a privileged class, making such government the agency to perpetuate slavery."

Our countrymen will be slow to believe that such atrocity as this was embraced in the rebel programme. To induce such belief would require that irrefragable evidence which left no room to doubt. To make the indictment for such political crime as this would almost surpass belief. To prove it true, nothing less than the declarations of the rebels themselves will answer; we must, therefore, allow them to be the expositors of their own meaning. Much of the evidence I shall adduce has been captured as prisoner of war. I will bring to the attention of the Senate a letter of Mr. Garnett, of Virginia, to Mr. Trescott, of South Carolina, written in 1851. This letter was captured by General Hunter in the early part of the war, at the residence of Mr. Trescott, on Barnwell's Island. It is as follows:

VIRGINIA CONVENTION, *May* 3, 1851.

MY DEAR SIR—You misunderstood my last letter if you supposed that I intended to visit South Carolina this spring. I am exceedingly obliged to you for your kind invitations, and it would afford me the highest pleasure to interchange, in person, sentiments with a friend whose manner of thinking so closely agrees with my own. But my engagements here closely confine me to this city, and deny me such a gratification.

I would be especially glad to be in Charleston next week, and witness your convention of delegates from the Southern Rights Association. The condition of things in your State deeply interests me: her wise foresight and manly independence have placed her at the head of the South, to whom alone true-hearted men can look with any hope or pleasure. Momentous are the consequences which depend upon your action. Which party will prevail; the immediate secessionists, or those who are opposed to separate State action at this time? For my

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part, I forbear to form a wish. Were I a Carolinian, it would be very different; but when I consider the serious effects the decision may have on your future weal or woe, I feel that a citizen of a State which has acted as Virginia, has no right to interfere, even by a wish.

If the General Government allows you peaceably and freely to secede, neither Virginia nor any other Southern State would, in my opinion, follow you at present. But what would be the effect upon South Carolina? Some of our best friends here supposed that it would cut off Charleston from the great western trade which she is now striking for, and would retard very greatly the progress of your State. I confess that I think differently. I believe thoroughly in our own theories, and that if Charleston did not grow quite so fast in her trade with other States, yet the relief from Federal taxation would vastly stimulate your prosperity. If so, the prestige of the Union would be destroyed, and you would be the nucleus for a southern confederation at no distant day.

But I do not doubt, from all I have been able to learn, that the Federal Government would use force, beginning with the form most embarrassing to you and least calculated to excite sympathy—I mean a naval blockade. In that event, could you withstand the reaction feeling which the suffering commerce of Charleston would probably manifest? Would you not lose that in which your strength consists, the union of your people? I do not mean to imply an opinion. I only ask the question. If you could force this blockade, and bring the Government to direct force, the feeling in Virginia would be very great. I trust in God it would bring her to your aid.

But it will be wrong in me to deceive you by speaking certainly. I cannot express the deep mortification I have felt at her course this winter. But I do not believe the course of the Legislature is a fair expression of the popular feeling. In the east, at least, the great majority believe in the right of secession, and feel the deepest sympathy with Carolina in opposition to measures which they regard as she does. But the west, western Virginia, there is the rub! Only sixty thousand slaves to four hundred and ninety-four thousand whites! When I consider this fact, and the kind of argument which we have heard in this body, I cannot but regard with the greatest fear the question whether Virginia would assist Carolina in such an issue.

I must acknowledge, my dear sir, that I look to the future with almost as much apprehension as hope. You well object to the term Democrat. Democracy, in its original philosophical sense, is indeed incompatible with slavery, and the whole system of southern society. Yet, if we look back, what change will you find made in any of our State constitutions, or in our legislation in its general course for the last fifty years, which was not in the direction of democracy? Do not its principles and theories become daily more fixed in our practice?—I had almost said in the opinions of our people, did I not remember with pleasure the great improvement of opinion in regard to the abstract question of slavery. And if such is the case, what have we to hope for the future? I do not hesitate to say, that if the question is raised between Carolina and the Federal Government, and the latter prevails, the last hope of republican government, and I fear of southern civilization, is gone. Russia will then be a better government than ours.

I fear that the confusion and interruption under which I write may have made this a rather rambling letter. Do you visit the North in the summer? I should be happy to welcome you to the Old Dominion.

I am much obliged to you for the offer to send me Hammond's Eulogy on Calhoun; but I am indebted to the author for a copy.

With esteem and friendship, yours, truly, M. R. H. GARNETT.

WILLIAM H. TRESCOTT, Esq.

To explain the full meaning of this letter, I must connect its date with the Nashville convention, held a few months previous. It is now known that at that convention, in 1850, the project of secession was agreed upon. There existed in the convention two parties, one in favor of the separate action of the States, and the other of calling a general convention of the slave States, and seceding in a body. This letter plainly alludes to that division of parties as to the manner of seceding. It corroborates what has been said of the determination at that early day to secede. It indicates leaving the time to such opportunity as preparation

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should make propitious. This, however, is not the most important part of the letter. "Democracy, in its original philosophical sense, is, indeed, incompatible with slavery and the whole system of southern society." Never, Mr. President, was a graver truth uttered than this. It was equally true that this sentiment was the very *animus* of the rebellion. It was this sentiment that stimulated the rebel leaders into the fixed belief that slavery could not be perpetuated under a democratic form of government. It was this sentiment that led to the conclusion that slavery could be perpetuated in no other manner than by overthrowing democracy and building up government through a privileged class.

The republicanism spoken of in this letter was unmistakably the republicanism of Greece or Rome—a privileged order of nobility on the one hand, and a mass of slaves on the other. American democracy was the antagonism of this. Mr. Garnett's conclusion was truthful wherein he asserted that—

"In our State constitutions and in our legislation in its general course for the last fifty years the change had been in the direction of democracy."

To Mr. Garnett's mind this was a most alarming feature in American politics. It was this that so much troubled the pro-slavery sensibilities, and made the advocates of the system politically frantic. This was the reason why Mr. Garnett so much desired that when matters were brought to the phase of civil war, Virginia might be brought to the aid of South Carolina.

The letter of Mr. Garnett was evidently written in reply to a treasonable letter from Trescott, in which the latter had objected to the term "democrat." That these two gentlemen entertained the same views and the same repugnance to the democratic principle in government, is evidenced by the following extract from an address delivered by the latter before the Historical Society of South Carolina, in 1855. He says:

"The institution of slavery, which with the men of former times was an experiment, has become the 'corner-stone' of our social and political life; and yet there are some men in South Carolina who would eradicate the old State pride, destroy the conservative character in our State politics, strip us bare of the glorious achievements of the past, and drive us, destitute and dishonored, into a fit companionship of a vagabond and demoralized democracy."

I have alluded to the expressed sentiments of these prominent concoctors and leaders of the rebellion for the reason that they were the types and representatives of the class to which they belonged. The spirit and reasoning that controlled them originated and controlled the rebellion from its inception to its final result.

Not less explicit was Mr. Spratt, of South Carolina, the leading secessionist of that State after the death of Mr. Calhoun. In his address in the Vicksburg secession convention of 1859, he became more emphatic than any of his compeers in the expression of the sentiment that democracy was the deadly antagonism of slavery. To this argument he gave point in the following manner:

"While our population has advanced, there has been no proportionate advancement in the number of slaves. The widening West has made demand of slaves upon the older States; the older States have been compelled to yield to such exaction. With every transportation there was hireling labor ready to supply its place; with hireling labor came the form and spirit of democracy. It made its way across the border; it overspread the States of Delaware and Maryland; it extended in the States of Kentucky, Missouri and Virginia; it entered into southern cities; it glided into schools and pulpits; it crept about the halls of legislation; and so it is that we are not alone in the contest with the North, which bears the banners of democracy, but with the democracy itself within the States, the cities, and the institutions

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of the South." The speaker assumed that if this democracy could not be got rid of, "the separation from the North would merely adjourn the contest;" that "as this southern democracy grapples slavery in its homes, and on its hearth-stones, slavery was like the Thracian horse that bore its rider from the field, and that, escaping enemies abroad, it would be forced to wage a still more deadly contest with its enemies at home."

Mr. President and Senators, let us now put the emphatic inquiry: who were these enemies at home? They were not the influences that originated the personal liberty bills of Massachusetts, Vermont, or other States. They were not the political force that voted for Fremont in 1856, or for Mr. Lincoln in 1860. They were not the friends of freedom who resisted the atrocities in Kansas committed by the ruffianism that invaded that State. No, sir; these "enemies at home" were none other than the native-born white children of the South. They were the mass of non-slaveholders, grown to manhood and womanhood under the disparaging disability of a pro-slavery policy—a policy that viewed with contemptuous distrust every element in society that did not belong to its peculiar class. These enemies at home composed the class alluded to by Mr. Trescott as the "vagabond and demoralized democracy." Without pausing to comment further upon this paragraph, I will group with it the sentiments and principles of another advocate of "southern rights." I must draw from that oracle and depository of southern political literature, De Bow's Review. In a proposition to go back to the feudal system, the author says:

"The real civilization of a country is in its aristocracy. The masses are moulded into soldiers and artisans by intellect, just as matter and the elements of nature are made into telegraphs and steam-engines. The poor who labor all day are too tired at night to study books. If you make them learned, they soon forget all that is necessary in the common transactions of life. To make an aristocrat in the future we must sacrifice a thousand paupers. Yet we would by all means make them, make them permanent, too, by laws of entail and primogeniture. The right to govern resides in a very small minority; the duty to obey is inherent in the great masses of mankind. All government begins with usurpation and is continued by force. There is nothing to which the South entertains so great a dislike as universal suffrage. Wherever foreigners settle together in large numbers, there universal suffrage will exist."

In contemplating these postulates and propositions, I am at a loss to know how it was, or why it was, that such political atrocity had been encouraged into the boldness of undisguised declaration. Was it owing to the supposed fact that the manhood of the southern masses had been crushed out? Was it owing to the supposed pusillanimity of the General Government that had seemed to dispense with its powers of resistance to pro-slavery domination? Was it owing to the palsied subserviency of the highest judicial tribunal of the nation; or did the encouragement spring from the partial debauchment of that part of the northern political forces that seemed to have forgotten that principle was longer to be maintained? I know not, sir, whether the intended atrocity sprung from one or all these encouragements in the aggregate; but, sir, I do know that the present century has not disclosed a contemplated policy more at variance with our ideas of republican institutions than that put forth by these southern advocates of "State Rights." John Milton was a poet of fertile imagination and great powers of description. Had he wished to improve on the features of diabolism he needed only to have lived in our day. By contemplating the project of crushing "the enemies at home" and "making permanent aristocrats" by sacrificing poor people, he could have improved upon his infernal pictures by substituting reality for fancy.

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I have not done with the evidences by which I propose to establish the truth of my indictment. After the confederacy was supposed to be established with certainty, the leaders threw off all disguises as to the motives that moved in the undercurrent of the rebellion. The following extract from De Bow's Review is a complete elucidation of the form of government to which the leaders aspired:

"Those pestilent and pernicious dogmas—'the greatest good of the greatest number;' 'the majority shall rule'—are, in their practical application, the frightful source of disorders never to be quieted, philosophies the most false, and passions the most wild, destructive, and ungovernable. In America, by reason of the operation of causes wholly extraneous to the considerations of government and society, the republican experiment has been prolonged beyond recorded precedent; but, painful as the reflection must be to all such as subscribed to the Utopian philosophy, and have an abiding faith in the capacity of man for enlightened self-rule, it must be confessed that the experiment of the democratic Republic of America has failed."

The author concludes thus:

"The institution of an hereditary Senate and Executive is the political form best suited to the genius, and most expressive of the ideas of the South."

I must now, Mr. President, digress, in order to call the attention of the Senate to the corresponding responses to this declaration by the governing classes of Europe. Scarcely had the assertion of "the failure of republican government in America" been made on this side before it was caught up in a spirit of derisive malice by the Tory press of England. The principles of American Government were denounced as an *ignis fatuus*. The "great Republic," on the authority of the London Times, "was no more!" "Democracy was a rope of sand." "It lacked the cohesive power to maintain an empire of such magnitude" "Disintegration was an accomplished fact." "No power existed in America to reunite the fragments of the dissolved Republic." In this exultation was mingled a corresponding malice against the European advocates of liberal government. The champions of popular rights were arraigned as a set of "foolish dreamers," whose obstinate theorizing must now give way under the failure of the American example. Nor, Mr. President, was this the most significant part played by European influences. The French Emperor ventured upon the declaration that "France was not interested in this—that the United States should absorb Mexico, dominate thence the Antilles, and thus become mistress of the commerce of the world." We may trace the machinations of the French Emperor through the combinations of Roman Jesuitism in Europe, in the United States, and in Mexico; through the insidious appeal to the "Latin races;" through the mysterious conduct of an ambitious American prelate, going out as a loyal emissary and returning from Europe with a distrusted and doubtful fidelity. We may trace the French monarch through his intrigues with Enlgand and Spain, and the foul coalition against the liberalists of Mexico. Concurrent with this the naval workshops of England were preparing the means of sweeping American commerce from the ocean. Never before has so broad and foul a conspiracy against the principles of popular government been entered into, and never have the principles of popular government suffered such an ordeal.

With a consolidated military organization in the South, adequate in a civil war to have overturned the strongest dynasty in Europe; with English allies despoiling our commerce on the ocean; with a half-debauched political force in the North of questionable loyalty, never before had the patriotic forces of any nation been

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brought to a more imminent verge of desperation. Father looked father in the face with anxious look and clenched hands as he sent his son to the battle. Anxious mothers looked upon the contest with tearful solicitude, knowing that the welfare of offspring depended upon the result of the conflict. Never shall we forget that voice of the people which came through the gloom in response to the call of our venerated President:

> "We are coming, Father Abraham,
> Six hundred thousand more."

That response settled the question of foreign intervention. It dissolved the Spanish-Anglo-French coalition; the one sneaking out on a piratical platform, content to abet the continuance of depredations on our commerce; another retiring to experiment on St. Domingo and the South American republics; and the other facetiously setting up a surplus scion of the House of Hapsburg as a mock insignia of royalty in Mexico.

Without alluding further to the prophecied failure of republican government, I come back to the closing postulate of the quotation: "An hereditary Senate and Executive is the political form best suited to the genius, and most expressive of the ideas, of the South." If this is intended to embrace the conspirators only, I have no doubt of the truth of the declaration. If by the word "South" the non-slaveholders and colored people are embraced, I must believe that there are ten millions of this population who, if undeceived, and left to their own volition, would be advocates of republican government, and precisely of that kind of government which was intended to be guarantied in the Constitution.

To proceed further with the evidences, I must call as a witness the Southern Literary Messenger. This is no ordinary witness. It is subpœnaed from the highest life of the confederacy. Most popular with the leaders, most authentic as their oracle, and most approved in their policy, I trust that its testimony will be deemed conclusive. In the middle age of the confederacy, when rebel hope was buoyant, and independence a supposed certainty, this print indulged in the luxury of contemplating and recommending the future political programme. In an article entitled "The great danger of the confederacy," the author discourses thus:

> "That benign institution of slavery, which it is now the pride and glory of the South to ascribe to the conception of divinity, and which this war has proven to be, next to the devoted patriotism and undaunted resolution of her sons, the great element of power in the confederacy, will prove, in preventing too heavy an influx from foreign shores of that class of population devoted to menial pursuits, another bulwark against the encroachments of those tendencies to democracy which have been the Pandora's box of disintegration and ruin to all republics."

Again, speaking of democracy, it says:

> "Disgraced by the crimes of her votaries in the northern States, humbled by her humiliating defeat in the destruction of her chosen empire, the late Union, and abashed by the proud triumph of constitutional liberty in the success of the young confederacy, democracy may veil the features of her prophet, and seek in humility and retirement from the theatre of active conflict to efface the blood-stained record of her crimes."

And again:

> "Let us seek at once to eradicate every vestige of radical democracy, every feature tending to make ours a popular Government, making it subject only to the intelligent and virtuous, and those who are interested in its successful administration."

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And again:

"We would not be understood as uniting in the belief of the impossibility of a successful republic, that we cry out for the re-establishment of royalty in this free country, whose noble sons daily attest their detestation of tyranny in all its forms, by those terrible libations which it is the habit of liberty to exact from her votaries. We have no special objections to royalty, when restrained by constitutional barriers."

That the evidence of conspiracy against the principles of republican government may not appear to come from one side alone, we will allow the southern Unionists to speak. I cite from the letter of the Democratic League to John Bright, of England, written in August, 1862:

"In order to judge with accuracy, it is necessary to understand what brought slaveholders to the desperate resort of attempted revolution. The doctrine was long since promulgated by them that 'a government of majorities must be abrogated;' 'that slavery and democracy were incompatible;' 'that under the operation of the democratic principle, and the laws of population and subsistence, slavery must soon lose its prestige and go down before the enfranchised masses.' What was to be done? Here was a process of reasoning founded on foresight of the future, that no argument could turn aside. Statesmen in the North and South concurred in the same conclusion, but with this difference—the one insisting that the democratic principle must be subverted in order to maintain slavery unimpaired; the other insisting that the democratic principle in government must be maintained, though it involved the extinction of slavery. We have now the desperate conflict of arms founded upon the issue thus made."

This letter was drawn by the pen of a southern Unionist; by one who had long watched the progress of the secession project, and who had analyzed with scrutiny its ulterior objects. The accuracy of its statement few, I think, will question.

I call two other witnesses of equal note: Hamilton and Anderson, both refugees from Texas; the former now returned as provisional governor of that State, and the latter recently governor of Ohio. These gentlemen, in their published speeches, both concur in the same conclusion as to the rebel intent of abrogating popular government in the South. Both parties have labored to warn their countrymen of the nature of the Southern conspiracy, and to urge the issue as a conflict between the democratic and anti-democratic forces of the nation. But, Mr. President, if official prestige can add to the weight of testimony, I have still higher witnesses. Mr. Lincoln, in his annual message of December, 1861, thus throws out the warning voice to Congress and the country:

"It continues to develop that the insurrection is largely, if not exclusively, a war upon the first principles of popular government, the rights of the people. Conclusive evidence of this is found in the most grave and maturely considered public documents, as well as in the general tone of the insurgents. In those documents we find the abridgment of the existing right of suffrage boldly advocated, with labored arguments to prove that large control of the people in government is the source of all political evil. Monarchy itself is sometimes hinted at as a possible refuge from the power of the people.

"In my present position I could scarcely be justified were I to omit raising a warning voice against this approach of returning despotism."

Even at that early day, studied as the concealment of the more atrocious part of the programme had been, the ominous sound of conspiracy against the principles of free government had reached the ear of the executive Chief Magistrate, and in that convincing form which impelled him to bring the subject to the attention of Congress.

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Not less explicit has been the voice of the present Chief Magistrate in declaring his convictions as to the motives and objects that animated the rebel leaders. Time and again has he repeated the declaration, in effect, that the contest was a battle between aristocracy and democracy; that it arose out of these antagonistic principles in government. Thus we have it in the testimony of all. There is no disagreement of witnesses. The Tories of England and the Liberalists of England have regarded the conflict in the same light, the one sympathizing with and aiding the rebellion; the other sympathizing with the Union cause, and hopefully regarding the stability of the great Republic as the harbinger of political disinthralment for the masses of Europe. The Unionists of the South have concurred with the treason of the South in the precise statement of the issue; and it is not the least distinctive or significant fact, that upon this issue three hundred thousand troops of southern extraction have joined the Union Army—a force, in point of numbers, nearly equalling the whole number of slaveholders in 1860.

Mr. President, I have sometimes heard the northern apologists of treason assert that the rebellion of the South was analogous in principle to the struggle of our forefathers for independence. By what strange perverson of intellect such a parallel should be attempted surpasses my comprehension. I will concede, sir, that we have had the same battle and the same issue that animated our fathers on the one side and the Government of Great Britain on the other. But I shall not be disputed when I maintain that this Government has fought the same side of the issue that our revolutionary fathers fought, and have struggled successfully to maintain what they established. Our forefathers were made to chafe under monarchical insult and imposition. They learned to know by experience that common protection would never be awarded by privileged class. They entered into the contest in defence of their natural and inalienable rights, and made the cause of popular justice the strength and ennobling feature of the conflict. In the recent attempt at revolution the intended perpetuity of human bondage, added to the intended monopoly of wealth and political power, were the mainsprings of the rebellion. These were the aspirations that controlled the leaders of secession. A beneficent Government, most noted of all Governments for its principles of encouragement and protection, was attacked—not for the purpose of diffusing additional justice into the relationships of society, but for overturning all justice. The *animus* of the rebellion said, "I am mighty; I will make of this people hewers of wood and drawers of water; and they shall be my bondmen and bondwomen forever." The world has again witnessed the fulfilment of the declaration that "pride goeth before destruction, and a haughty spirit before a fall."

It appears to me, Mr. President, that it has been most unfortunate for the country that the true nature of the issue was not more widely and more definitely understood. It has been truly said that "the rebellion was inaugurated on false pretenses, and that it lived on its hypocrisy." Could it have been known throughout the Union, and distinctly known, that it involved a conspiracy against the principles of popular government, how few of the American people would have had a heart to sympathize with its objects. I believe, sir, could the ulterior objects of the attempted revolution have been definitely known to all, nine-tenths of the aggregated population of the Union would have repudiated with scorn and indignation the whole project of secession. Every one now knows that the masses of the South were wickedly imposed upon, wickedly deceived, and that much of the political force in the North has been drawn into

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contumacy against the National Government, and against the party seeking to uphold it, by the same kind of deception. Had it not been for this deception in the South the rebellion could never have been started into growth. Had not the same deception existed in the North the basis of northern sympathy would have been taken away. Had it not been for this widespread deception nearly the whole country would have been a unit, and such unity would have been on the side of free popular government.

THE POLITICAL STATUS OF THE SECEDED STATES.

Having endeavored to elucidate the causes and objects of the attempted revolution, I come to the question of the political *status* of the seceded States. I shall not argue the question whether technically or theoretically they are States or Territories in the Union, or States out of the Union. It is sufficient for me to know, sir, that these States, in a seeming political form, repudiated the Constitution of the United States; that they had dissolved all connection with the Union Government; that they had set up government in form in opposition to it; that, through force or persuasion, the bulk of the population of these States had been induced or compelled to forswear allegiance to the Union Government, and swear allegiance to the opposition government. Without going further into specifications, this was the attitude of the seceded States, when the result of arms decided that these States or Territories, and the people thereon, belonged to the United States, and were to be dealt with precisely as the exigencies of the case demanded. That these States had demolished and broken down their old State governments; that they had superseded the State fundamental law, is technically, theoretically, and practically true; for it will not be contended that State governments can exist within the boundaries of the United States in disconnection with the Constitution, or in opposition to it. In short, State government cannot exist that does not accord with the Constitution, and which is not in subordination to this supreme law of the land. Neither the President, nor Congress, nor any department of the Government, has yet assumed that the seceded States could reinstitute State government under their old constitutions. They have been told by the President that new constitutions must be made. They have been told the same by Congress. The people of these States are well aware that the old fundamental law was overthrown; that the pretended new governments, set up in the places of the old, have been demolished; and that the condition of citizenship has been immensely altered. I do not think, sir, that any one will contend that these old State governments can be revived by *scire facias;* for we have neither precedent nor authority for any such political writ; besides, there has been such a change of parties that it would render such a process entirely inexpedient. If I mistake not, sir, we are thrown back on the Constitution for power to deal with these States as States, or as Territories, and it matters not, to my mind, what their technical condition may be.

The President has told us by implication that there is a superintending power of control over these States. In the preamble of his proclamations, appointing the provisional governors, he has cited that clause in the Constitution which provides that "the United States shall guaranty to every State in the Union a republican form of government." It seems to be admitted that there is outside of these States a controlling power, and that the emergency has arisen that calls such power into requisition. It is important to know precisely where this power is lodged. These

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questions are new to us. They have no precedent. The public mind is in confusion, and perhaps the several departments of the Government equally so. While it may be excusable to be in error as to the lodgment of this superintending power, it is of peculiar importance that it should be exercised only by the department of the Government in which the Constitution has placed it. In construing the above clause, we have the assistance of Mr. Madison's opinion as to its meaning:

"It may possibly be asked, what need there could be for such a precaution, and whether it may not become a pretext for alterations in the State governments without the concurrence of the States themselves? These questions admit of ready answers. If the interposition of the General Government should not be needed, the provision for such an event would be a harmless superfluity only in the Constitution. But who can say what experiments may be produced by the caprice of particular States, by the ambition of enterprising leaders, or by the intrigues of foreign Powers?"

I will assume, sir, without the aid of Mr. Madison's opinion, that this superintending power is lodged in the General Government. I assert that the Constitution itself, in plain terms, makes it a self-evident proposition. By grouping the provisional clause with the lodgment of power, and following it with the final clause as to what shall be the supreme law, it reads thus:

"The United States shall guaranty to every State in this Union a republican form of government." "Congress shall have power to make all laws which may be necessary and proper for carrying into execution this power, and all the other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof; and this Constitution, and the laws made in pursuance thereof, shall be the supreme law of the land, and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding."

As I have said elsewhere, it makes no difference whether the seceding States are called States or Territories; whether they are technically one or the other. The Constitution deals with States as States; it is the sovereign of sovereignties, and allows of no political institution or power in contumacy with its provisions. It interdicts the granting of any title of nobility. It inhibits the establishment of any anti-republican government through privileged class. It seeks to establish and enforce the maintenance of suffrage government, and no other. In addition to the form of the government the enumeration of personal rights in the Constitution to be protected, prescribes the kind and quality of the governments that are to be established and maintained in the States.

It has been said that "a State cannot commit treason," and that consequently "the General Government has no power to coerce a State." I deny both propositions. In case a State through its political organization puts itself in opposition to the Constitution and the laws made in pursuance of it, and in addition thereto resorts to force to obstruct the execution of such laws, the State as a State commits treason, and every individual engaged is liable to be indicted, convicted, and hanged. Nor is this all, sir. The State as a State, in case the contumacy is general enough to impose the necessity, can be politically punished. Its State government can be taken way, and the State governed by such laws and regulations as Congress may prescribe. It can be held in political duress by a military guard. It can be restrained and constrained, and held in an iron grasp for such time as is necessary to bring the population to acquiesce in a political arrangement that accords with the Constitution. More than that; when the time arrives to go anew into State organization, Congress can prescribe the conditions; the provisions in

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its fundamental law; its rule of suffrage, or anything else to bring it into compliance with the supreme law. There are those who seem to believe that our Constitution was framed for the purpose of optional disintegration instead of compulsory Union. Our fathers prescribed no such programme. They knew what they were about. Instead of believing, with the English Reviews, that our national domain was large enough for "eight republics," they said "there shall be but one." Judging from the scenes that have transpired during the last five years, I conclude that the bulk of their descendants have not yet apostatized from their doctrine.

In the enumeration of natural and personal rights to be protected, the framers of the Constitution apparently specified everything they could think of—"life," "liberty," "property," "freedom of speech," "freedom of the press," "freedom in the exercise of religion," "security of person," &c.; and then, lest something essential in the specifications should have been overlooked, it was provided in the ninth amendment that "the enumeration in the Constitution of certain rights should not be construed to deny or disparage other rights not enumerated." This amendment completed the document. It left no personal or natural right to be invaded or impaired by construction. All these rights are established by the fundamental law. Congress has no power to invade them; but it has power "to make all laws necessary and proper" to give them effective operation, and to restrain the respective States from infracting them.

Will it be contended, sir, at this day, that any State has the power to subvert or impair the natural and personal rights of the citizen? Will it be contended that the doctrine of "State sovereignty" has so far survived the wreck of its progenitor, slavery, that we are yet kept aloof from the true construction of the Constitution? I am aware, sir, that the political disease called "State sovereignty" with some minds has become chronic. With the invention of the cotton-gin, the spinning-jenny and the power-loom slavery became profitable. It grew to be "the great corner-stone." Stimulated by these auxiliaries, it swelled into a "divinity." Nearly contemporaneous with the rapid growth of slave profits commenced the perversion of the resolutions of 1798. Ever since there has been a restless ghost wandering about called "State rights." It haunted the White House for forty years. It filled places in the Departments. It took its seat in the Senate and in the House. It became speaker and presiding officer in southern State Legislatures. The secession interpretation of the resolutions of 1798 was its political scripture. It seemed so ubiquitous and pertinacious in the propagation of its doctrines, that a stranger, coming from a foreign land, would have mistaken the perversion of these resolutions for the fundamental law of the nation. I confess, Mr. President, that I lived to be forty-five years of age before I learned the whole meaning of the doctrine of "State sovereignty." I never knew until the 12th day of April, 1861, when this omnipresent ghost of "State rights" went down to Charleston and superintended the artillery that opened on Sumter.

While slavery existed as a political power, it was not possible to adopt a true construction of the fundamental law. It was not possible to assert with success or vindicate the power of Congress. For one, sir, I now propose to go down to the "hard-pan" of the Constitution. This is necessary in order to lay the foundation for the restructure of southern State government; and, sir, "if hard-pan" is not solid enough for stable foundation, I am ready to join the Senator from Massachusetts, and go down to granite. I stand here to vindicate the

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Constitution and the power of Congress under it. This Constitution is not a dangerous instrument. It has no attribute of oppression. The power of Congress is not a dangerous power, for it is only a power of protection. It is all arrayed on the side of right and justice, and the more of it there is, when properly exercised, the better. As a power, with attributes to maintain the nationality, we have just learned that it is a terrible power. Instead of its being "a rope of sand," as supposed by Europeans and secessionists, it is found to be a cable of strength. As a power of protection, it is imperious and overshadowing. The proudest State must bow in deference to its behests, for its sceptre is the golden rule. None but petty tyrants need fear it, for it interferes not with the just.

I assume, Mr. President, that Congress, under the Constitution, has a controlling power to enforce the principle of protection on all the States. Congress is the tribunal of States; and this tribunal of States is the umpire in judging of what is protective republican government in the several States, and what is not; what the form of the State government should be, and what it should not be; what the distribution of power or degree of enfranchisement in order to guard against the despotism of class; and what the machinery to be adopted or tolerated so as to make the State government effective on the side of protection. No State government that does not accord in spirit and form with the principles of the Constitution is legitimate; nor can it be made legitimate by Congress. Local State despotism is outside of the Constitution, and illegitimate. It never can be made otherwise. It never was anything else than the offspring of the political heretic, State sovereignty. It has ever been a child of mischief and agent of evil. It has been trying ever since it was born to overthrow the principles embraced in the Declaration of Independence. It has sought with great pertinacity and success to regulate public opinion by mobs. It broke down the manly spirit in political communities, and produced pusillanimity instead of independent manhood. It inculcated a jealous, clanish hatred between sections, and broke down comity between the States. Whenever northern people went to reside within the realm of its dominion, to use a southern phrase, it made them "eat dirt." It was the greatest of sophists and falsifiers, and on the same principle that all political hucksters, who controvert the golden rule in politics, are falsifiers and hypocrites. We have had enough of this political perversity, and enough of its consequences. It is high time that the whole nation, from its centre to its circumference, should be politically taught that we have a beneficent Constitution and a power in Congress under it that are adequate to apply the corrective.

We are told, sir, that if Congress is persistent in imposing terms, conditions, and guaranties, we shall offend the South; that they are a proud and sensitive people. I am aware of this, sir; but, at the same time, I am not disposed to give up the Constitution on that account. What right would the Empire State, with its four million people, its vast commerce, its almost unexampled enterprise, have to set up any authority or exercise of power that did not comport with the Constitution? I love the State of New York for the good that is in it, while I am pained in reflecting upon the vices that have been exhibited within its jurisdiction. In years gone by, when the little band of humanitarian philosophers who advocated natural rights were beset by mobs, the conduct was not creditable. At a later day, when the attempt was made to murder forty or fifty unoffending colored men in a tobacco factory in Brooklyn, it was not an effort to be commended. At a still later day, when the riotous mob, sympathizing with secession,

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murdered the colored people in the streets of New York, burned the colored orphan asylum, and committed other atrocities of an infamous character, it was nothing to be proud of. And when, again, sir, it was necessary to abstract twenty-four thousand men from the Army of the Potomac to save the city of New York, and Lee, taking advantage of the circumstance, was enabled suddenly to reinforce Bragg with thirty-two thousand men, which led to the disaster of the brave army of the Cumberland at Chickamauga, it becomes painful to reflect upon it. New York has as much to be proud of, and her people as much to be proud of, as any other State. That consists, however, of her liberalized policy, her true statesmanship, her enterprise, her hospitality and amenities to the people of other States, her care for the education of her children, and her labor and care to promote a truly Christian civilization. These are things to be proud of, for these things harmonize with the Constitution and exemplify the beauties of republican government. I hope the time may come, if it is not already the case, that Southern pride may have its foundation permanently laid on what is right. And while upon this subject, I will express the hope that the young State of Nevada, which I have the honor in part to represent, which has cherished me, and which I love, will lay all its foundations of future greatness upon the immutable principles of common justice. I trust that is what the future of the State shall have reason to be proud of.

THE WAR OF RACES.

We are told again and again, Mr. President, that in case equal rights and the means of maintaining those rights are awarded to the colored population in the South, "it will lead to a war of races." There has always been a class of men ready to adopt the idea that the peace of society can be best maintained by thwarting justice. I am a slow believer in this doctrine. I have formed my opinions from very different postulates and premises. In my simple method of reasoning, the opposite of this rule is true. I must be permitted to maintain that in my opinion strict and impartial justice is the only basis of stable and permanent peace in society. I think history furnishes no evidence to the contrary. If this hypothesis cannot be maintained, then, indeed, is the moral world in a poor condition. I have an example, sir, that comes from a portion of the history of the colored race that may not be unprofitable to present to the Senate.

Mr. President, the world has heard much of the horrors of San Domingo. It has been prophesied that in case the slaves of the South were set free, we should again witness the horrors of San Domingo. The horrors of San Domingo have been made the goblin story to teach the children of the South the necessity of riveting the chains upon the slave so firmly as to allow no escape. The horrors of San Domingo were the very logic of slavery; almost as much so as the designing perversion of truth about the productions of Jamaica. I now propose to give a succinct account of these horrors, and also, what is infinitely of more importance to the Senate, the true cause of them. It was not until recently that the records of authentic French history, relating to the troubles in this island, became known to the reading public. During the political troubles in France this island was neglected. England and Spain undertook to appropriate it. The negroes organized under colored leaders of talent and drove out the English and Spanish forces, conquered the whole island, and declared and established their freedom. The bravery and conduct of the negroes was commended and applauded by the French

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Government. The population that had performed all this had been slaves. They offered to restore the island to France on the condition that they should not be re-enslaved. After a series of negotiations, Napoleon, in an evil hour, resolved on the subjugation of the island, in connection with the project of re-enslaving the black population. It was through the influence of the old slaveholders that this measure was resolved on. An army of eighty thousand was sent out under Le Clerc, brother-in-law of Bonaparte, to accomplish the object. It is not necessary to go through the detail of hypocritical negotiation on the part of the French commander; suffice it to say, the blacks firmly resolved to maintain their freedom. The French general thought that by severity of example he could intimidate them into submission. He treacherously got some of the leaders into his power, and cruelly executed them. The atrocity was retaliated. It grew to be a warfare of atrocity and counter-atrocity, that spared no enemy that fell into the power of the opposing belligerents. Humanity has never witnessed a more sickening picture of brutality than what was in reality the horrors of San Domingo. At the end of this contest, when Pauline returned to France a widow, Napoleon said to her, "I gave you an army of eighty thousand veterans—you return to tell me the story of its destruction." It may be profitable, sir, to contemplate the history of French atrocity in this island, for we may yet live to see a similar policy undertaken in our own country. It may be equally profitable to learn, that though the blacks, as a race, are naturally peacable, they are capable of being goaded into exasperation. I will now put the question: had the ruling powers of France been just to the blacks of this island, how much better would it have been made for all parties?

I do not deem it impossible, sir, that we may yet have something similar to the horrors of San Domingo in this country; for the spirit of slavery is the same everywhere. I do not deem it impossible, for it is said that "men learn little except through the teachings of calamity." We have gone on, sir, wisely or unwisely, converting the colored population into beings of power through military discipline. We have taught one hundred and sixty thousand of them in the art of killing. We have, to some extent, instructed them in the rudiments of military organization. As citizens of the United States, they have equal right to protection, and to keep and bear arms for self-defence. They have long cherished the idea of liberty, and the nation has awarded it. More than that, sir, the colored man can point to his honorable scars, or to the grave of his companion in arms, and say, "We, too, have assisted in defending the Government." It must be a poor observer of human nature who does not realize that the colored people South can be goaded into desperation. It is a more obtuse observer still who does not comprehend the settled determination of the present forces, now coming into the political foreground of the South, to establish some species of local despotism whereby the colored man's condition shall be kept perpetually disparaged. In this probable cause of collision lies the danger; and, sir, in my humble opinion, it is the chief danger to be guarded against.

Mr. President, while we are on this subject of the "war of races," it may be well, perhaps, to ventilate it more fully. I assert, sir, that nearly all the troubles that have ever existed in this Union since the adoption of the Federal Constitution have sprung, directly or indirectly, from the war of race upon race. Slavery itself is nothing else, never can be made anything else, than a warfare of one race or class upon another. The process of subjecting one race or class to the arbitrary will of another; to own it as goods and chattels; to subject it to involuntary servi-

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tude; to deny it all natural rights, and then seek by all possible means, regardless of any other consideration, to perpetuate such bondage, amounts, in the opinion of the world, to a warfare of "race upon race." It has been fitly denominated "the sum of all villainies." When we come to trace this war of race upon race in its consequences, direct and collateral, the definition of Wesley will be established as the true one.

In an economic point of view we can trace its blighting influence and paralyzing effect on the industries of States. Let the advocate of human bondage tell us what it is that gave to each man, woman, and child in Massachusetts an average product of $166 per year, while the *per capita* in South Carolina was $56? What made the difference between $156 in Rhode Island and $65 in Louisiana; $164 in Connecticut and $61 in Georgia; $117 in New Hampshire and $56 in Alabama; $112 in New York and $59 in Virginia; $99 in Pennsylvania and $49 in North Carolina; $120 in New Jersey and $67 in Mississippi; $96 in Vermont and $55 in Florida? I have cited from the tables prepared by the Senator from Kentucky, [Mr. GUTHRIE,] in his report on the finances for 1856 and 1857, at the time he was Secretary of the Treasury. I have drawn the comparison between States contiguous to market with seaport advantages. I do not think I shall incur the hazard of denial when I assert that this wide disparity springs directly from the war of race upon race. This question of income from industry is an important one. It goes directly to the subject of comfortable houses to live in, comely raiment for the body, palatable food for the table, and education for the children. I will now invite the Senator from Kentucky, [Mr. DAVIS,] who has dwelt so much on Jamaica, to turn his attention to the subject nearer home. When he shall have prepared himself by calculation I hope he will be able to inform the Senate how much the slave States have lost in the last fifty years by their "warfare against race."

Mr. President, I come to another subject, of nearly, perhaps of quite equal importance. Recurring to the census statistics of 1850, and the educational condition of the several States as there exhibited, we find that in Maine nearly one third of the aggregate population of the State was in school, receiving instruction, and being fitted for the duties of manhood and womanhood. In New Hampshire, Vermont, Michigan, and Ohio, between one third and one fourth of the aggregate population was in school. In New York, Massachusetts, Pennsylvania, Rhode Island, Connecticut, Indiana, and Illinois, the ratio, owing to the influx of foreign population, was less, and amounted to a fraction less than one fourth. In the slave States, including the white population only, it stood thus: Florida one tenth, Louisiana one eighth, Texas one eighth, Virginia one eighth, Alabama one seventh, Arkansas one seventh, Georgia one seventh, Maryland one seventh, South Carolina one seventh, Mississippi one in six and a half, Kentucky one sixth, and Missouri one sixth. I may be mistaken, sir, but in my simple comprehension this wide disparity, this descent from intelligence to ignorance, this step from civilization to barbarism, is the result of warfare upon race.

I must refer another matter to the Senator from Kentucky. He will pardon me for relying on his arithmetical calculations, especially where the investment in colored people is concerned. I would not trouble him were Memminger present, but as we have not the principal here, we will be obliged to rely on secondary authority. There must be floating about some three or four thousand million of the confederate war debt, incurred in the process of transferring the investment in colored people from the Union to the confederacy. This precaution, adopted

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for greater security, cost much money. If the honorable Senator will estimate the depreciation of this confederate debt, and inform us what the depreciation amounts to, I will willingly set it down in my account of the expense of the warfare of race against race.

In the investment, whereby manhood was changed to chattelhood, I have merely alluded to some of the incidental sacrifices and expenses. Without going back to the original outlay incurred in the expense of kidnapping, I will come directly to the ultimate, inherent value of the investment itself. It had grown to be very large. It had absorbed southern surpluses, taking the necessary capital from southern commerce, southern mechanism, leaving the South without diversified industries, and, consequently, the bulk of its white population without skilled labor and profitable employment. Three thousand million, some say more, had been absorbed in what was once called "negro property." It grew and grew to be "corner stone," from "corner stone" to "divinity." This was as high as it could go. When it reached this point, it began to stand up in the image of its maker. The rebellion opened its eyes. The colored people saw that they had natural rights, which some old-fashioned statesmen of the Revolution had pronounced "inalienable." They saw something else. They discovered that each one had two legs to run away on, and two hands each to fight the way from bondage to freedom. They soon discovered that they had privileges, the privilege of freedom and self-defence. In time another privilege was added by the rebellion, and that was, to look at the old master through the sights of a gun-barrel. It was in this way the whole institution graduated after a four years' training in the military school of the rebellion. It has been given its diploma of freedom. It has been incorporated into the family of American citizenship. Sir, I will not set down this change as loss to any State, or to the nation. I believe it to be highly beneficial to both. But to those who advocate human bondage, and have indulged in a false political economy, I may well put the question, "In this warfare upon natural right and upon race, how much have you made by the operation?"

Again, Mr. President, the picture saddens as we progress with the drawing. The predetermination to perpetuate this war upon race, and to hold in bondage four million people and their increase for all future time, was the cause of the rebellion against the Constitution and the Union. The war against the nationality, and against the principles of republican government, has merely been a branch of the warfare against race. It was the concomitant of the warfare against race. Three hundred thousand, taken from the flower of northern free industry, have been sacrificed, and nearly the same number from the South. The destruction of life, the widowhood and orphanage, the destruction of property, the vast accumulation of public debt, and all other distresses consequent on war, have sprung from this southern warfare on race. Sir, if I understand the duty of the executive Chief Magistrate, and the great purpose for which he was elected, it is his duty to interpose the executive power to stop this warfare on race. If I understand my duty and the duty of this Congress, it is the first, highest, and the most imperative of all duties to stop this warfare on race. If I understand the duty of the people, distressed by calamity as they have been, and afflicted by burdens as they are, they will insist that an end shall be put to this warfare on race.

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Mr. President, I understand well the slaveholder's logic. It is no new thing. It was once alarming, and very effective on the side of wrong and injustice; but the nation has got used to it, and begun to be brave from necessity. It consists of this: "If you do not let us war on this race, we will visit on the country some great calamity. If you will not allow us to control it as we please, and under such laws as we please, we will exterminate it. You must allow us to dominate this population under unequal laws, or it must be removed from the country." This is the essence of the argument that is poured into the executive ear. He has as many evil counselors as Napoleon had when persuaded to attempt re-enslaving the colored people of San Domingo. Not a member of Congress but who has had thrust upon him this argument. It is the logic of petty tyrants. It has neither principle nor patriotism. It springs alone from those selfish, mercenary aims that have no regard for any interest in the country except that of its own class. No true statesmanship can be founded on this kind of logic. It is destructive of all that deserves the name of statesmanship. As against its machinations, it has been all that the statesmanship of the country could do to save the nation. I think the time has come when neither Congress nor the people will be frightened out of their sense of propriety by the repetition of this logic.

It may be well, sir, for Senators to estimate the expense in the aggregate resulting from the warfare upon race. If we take into account the expense of kidnapping; the vast absorption of southern surpluses in negro property; the yearly sacrifices by deficiency of southern production which slavery imposed; the amount of the rebel war debt; the Union war debt and interest, and the vast destruction of property and collateral sacrifices consequent on war, the amount will appear startling. If we add to this the loss of life, estimating the value of each man sacrificed at the market value of slaves before the war, it will swell into an amount equal to the aggregate value of the property of the Union in 1860. I speak now on this subject from a financial point of view. I speak to those who profess to be so "practical" in worldly affairs as to forget that there is an inexorable law of the moral universe that can neither be evaded nor overthrown by the cunning devices of man. It seems to me as though the voice of Omnipotence was saying to us, "I gave you understanding, and you have perverted it; I sent my Son unto the children of men to teach them humanity, and to reveal and proclaim to them the rule for human conduct; I have commanded you to be just and righteous, that other things might be added unto you. You have foolishly undertaken to fill your households and your land with plenty by overthrowing my statutes. Know, then, that the Lord God omnipotent reigneth!"

I have grown to believe, sir, that equal protection has become a matter of imperative national necessity. So far as the experiment has been tried in an opposite direction we have but a poor account. That account, sir, tallies with and accords with all history. The war of race upon race, or class upon class, is certain to lead to the destruction of patriotism in any nation. Nothing can spring from it but social and political discontent. It is the origin of convulsions, rebellions, and revolutions. I will maintain that no people has yet existed that did not find its causes of national decay and national dissolution in the warfare of class upon class. We have as yet held our nation together. The stern republicanism in the northern States; its intelligence and power of comprehension; its firm attachment to free popular government; its unbending determination to maintain such government, assisted by the white and colored loyalty found in the

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South, has carried us through the rugged part of the great shock. We know the cause of our difficulties, and we may know, if we will, that there is but one remedy for the future? That remedy lies in equalized protection under equal laws; and if that involves the necessity of equal suffrage, then, sir, in my opinion it becomes the stern duty of the nation to enforce it. If in the warfare of race upon race, or class upon class, unequal suffrage can be made an instrument of oppression, I insist on the right and power of the nation to make equal suffrage the agency of defence.

Mr. President, the greatest of all absurdities that ever perverted the human understanding is the assumption that any State or nation, claiming to be civilized, can be best governed by unequal laws. This is the oppressor's logic in all countries. In this political workshop the whole oppressive machinery of governments has been manufactured. Our fathers started with a new doctrine and a new theory. They threw aside the postulates of aristocracy, and started out on the plan of instituting government to protect natural and personal rights. In approving their theory I trust I will not be accused of too much "rhetoric." I do not design any. I am content to allow their simple idea of "inalienable rights" to stand as my creed and the creed of the great Union party.

Mr. President, it has been a persistent custom in pro-slavery society to slander and disparage the qualities and capacity of the colored man. It has been said that he would not fight. The exhibition of his bravery in our revolutionary struggle, in the contest with the French veterans in San Domingo, and more recently in our own civil war, has taught us better. It has been said that he cannot understand and comprehend his relation and duty to his Government in such degree as to make him a safe voter. If loyalty and fidelity to the Government are a test of capacity to appreciate, then most certainly has the colored man at least one of the highest and best of all qualifications. It has been said, again, that the colored man will not work without compulsion. Here again has the colored man's practical conduct exploded the white man's slander. In the winter of 1861, a bill was introduced into the South Carolina Legislature providing for the sale of the free negroes of the State into slavery. It was referred to a committee, of which J. Haralson Read was chairman. I extract the following from the report of that committee:

"Apart from the consideration that many of the class are good citizens, patterns of industry, sobriety, and irreproachable conduct, there are difficulties of a practical character in the way of those who advocate the bill. The free colored population of Charleston alone pay taxes on $1,561,870 worth of property, and the aggregate taxes reach $27,209.18. What will become of the one and a half million of property which belong to them in Charleston alone, to say nothing of their property elsewhere in the State? Can it enter into the mind of any Carolina Legislature to confiscate this property and put it in the treasury? We forbear to consider anything so full of injustice and wickedness. While we are battling for our rights, liberties, and institutions, can we expect the smiles and countenance of the Arbiter of all events, when we make war on the impotent and unprotected, enslave them against all justice, and rob them of the property acquired by their own honest toil and industry under your former protection and sense of justice?

Divide this property by the number of free colored people in Charleston in 1860, four thousand in number, and it gives to each person $390; to each family of six persons $2,240; much higher than the average of the non-slaveholders South, and within a fraction of being as high as the northern population averages. I am credibly informed that the pecuniary condition of the free colored population of New Orleans, before the war, was still better.

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Sir, the present is an interesting epoch for the colored population of the Union. It is as important as it is interesting. We cannot touch upon this subject without involving a collateral inquiry. It is not the colored family alone that is to be affected. The one cannot be dragged down and degraded without debauching and degrading the other. We cannot oppress the colored man or suffer him to be oppressed without endangering the peace of southern society. As he stands now, the colored man is a peaceful citizen. He has been bred to toil. He has acquired patience in performing industry. The main prosperity of the South has heretofore rested on his labor. He is loyal and attached to the Government, and, properly treated, no persuasion can shake his fidelity to the power to which he is now looking for protection and encouragement. Need I say, sir, that the colored family of the Union is capable of being managed into a useful and most important free industrial force; into an important and reliable element of national strength; or, mismanaged, into a turbulent, discontented, and most dangerous class. If ever there was a time when unjust prejudice should be displaced by right reason, and political philosophy should be deliberate and truthful, that time is now. I know of no other safe rule than to try to do that which is right in the sight of God and man.

THE ADMISSION OF SENATORS AND REPRESENTATIVES.

I come to another question: the propriety or expediency of admitting into Congress Senators and Representatives from the seceding States. We are told by the apologists of these men who are being elected on their merits as rebels to the exclusion of Union men, that "we must not expect too much of them;" that "it is not expected that they could be fully converted in so short a time;" that "their disappointments have been grievous;" that "they have become Union men now, and if we do not spurn them they will in time grow to be reconciled to the national Government." I fully accede to the idea that we must not expect too much of these men. A class that during its whole political life has aimed at a monopoly of wealth, a monopoly of labor, and a monopoly of political power; that engaged in the attempt at revolution in order to establish more fully and to perpetuate such monopoly; that, failing in this, has become more bitter by disappointment—should have time; and, sir, I am decidedly in favor of giving them all the time necessary for the most substantial improvement. I would say to these men, go home! go back and labor as industriously to disabuse the minds of your constituencies as you labored to mislead and impose upon them. Tell them that the Union Government always was and never can be anything else than a just Government. Tell them that the Constitution has become the acknowledged sovereign, and that it presides in both Houses of Congress. Inform them, while you are about it, that the rebel sympathizers and apologists in the North can do them no good, that they are acting as much out of time and propriety now as they did in the time of the war, when their encouragement only prolonged the conflict and added to southern disaster. You may say to your constituencies, that the majority in Congress is very tenacious on the subject of the Union war debt; that it is determined to keep faith with the national creditors; that it is bent on adopting and throwing around it all the safeguards and precautions possible; and that your admission just now and your alliance with northern sympathizers would not be propitious in raising the value of our public securities. While you are conferring with your constituents, you may as well repeat to them the common political axiom, that

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Representatives are elected to represent their constituents, and that it is not believed at the seat of Government that a disloyal constituency would make such a mistake as to send loyal Representatives to Congress. In short, you may as well say to your people, that, as Congress represents the loyalty of the nation, South as well as North, and has much important work on hand, some of it requiring a two-thirds majority, it is not deemed wholly prudent to part with that majority out of mere comity to men from whom no assistance could be expected. Finally, by way of closing the suggestive instructions, you may give your constituents to understand that, as you went out of Congress rebel end foremost, you will not probably get into those vacant seats over yonder, except that you come back Union end foremost.

It is made a ground of argument that "taxation and representation should go together." This as a general rule is true, but there are conditions and exceptions to this rule which sometimes forbid its being followed. The very case under consideration more strongly elucidates both the conditions and exceptions than any other historic case. Eleven States of the South by an attempt at revolution imposed on the General Government the necessity of subjugating them. These people do not yet seem to be in a frame of mind to send into Congress Representatives that would be of any assistance to the public questions; notwithstanding, they should be taxed. They are now standing in the incipient position following the result of war wherein subjugation and taxation bear companionship. The second degree will be that of allegiance and protection. The third, when heartfelt loyalty is prepared to elect the Representative, will be "taxation and representation." Should it be insisted that the rule of "taxation and representation" should apply at once to the truly loyal white and colored people South, and, were it practicable to adopt the rule in the present mixed state of affairs, I should throw no obstacles in the way.

Mr. President, I have now gone through with the principal topics I intended to discuss. I have endeavored to trace the *animus* and ulterior objects of the rebellion. I have endeavored to prove its anti-republican designs, and that it involved a conspiracy against the nationality; a conspiracy against the natural rights of the colored man; a conspiracy against the political rights of the masses of southern white men, as well as a conspiracy against the democratic or republican principle in government. I have endeavored to prove that the exigency has arisen that calls upon the Government for the exercise of its extreme powers, or those powers lodged in Congress to meet extraordinary emergencies. I would lay down the following as an epitome of the protective character of the Constitution, its prohibition upon the infraction of natural and personal rights, and the power of Congress to maintain them:

1. The exclusive power of Congress over the subject of citizenship and naturalization.

2. The power of Congress to give effect by the enactment and enforcement of laws to all the protective provisions of the Constitution, and to make the principle of protection practically co-extensive with citizenship.

3. The positive constitutional interdict upon the power of Congress and upon the Legislatures of the respective States to subvert or impair the natural or personal rights enumerated or implied in the Constitution.

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4. The power of Congress to compel the enforcement and maintenance of republican government in every State, making the enumeration of personal and natural rights and the protective features of the Constitution the definition and test of what is republican government; and further, in order to establish and maintain such local republican government in every State, to prescribe, in case of necessity, the rule of suffrage or qualification of voters.

I would here close my remarks, but for some paragraphs contained in the elaborate speeches of the Senators from Wisconsin and Oregon. Speaking of the limitations upon the rights of the States, the Senator from Wisconsin [Mr. DOOLITTLE] says:

"One of the limitations upon those rights is that it shall have no power to organize any State government not republican in form, while it may adopt any form of republican government. And the same distinction between a State and its government is clearly recognized in the clause of the Constitution which provides that 'the United States shall guaranty to every State in this Union a republican form of government.' We see by this language 'a State in this Union' is one thing; the form of its government another and different thing. Recognizing the right of a State, under the law of nations, to put on or put off its form of government, it was thought essential to the more perfect union of these States under the Constitution, to restrict this power of the State over its form of government so far as to deny its right to put on any other than a republican one. And therefore, when conspiracy and rebellion attempts it, or when usurpation succeeds in doing so, in any State in the Union, the United States not only has the right, but is bound to intervene against such usurpation, and restore to the State a republican form of State government."

With the latter part of this paragraph I entirely agree. I have said elsewhere that the Constitution deals with States as States, and the honorable Senator has spoken to the purpose on this point; but the question whether the power "to intervene against usurpation," and to establish or "restore republican State government" is lodged exclusively in the President, or, as Mr. Madison says, in the General Government, I do not deem worthy of discussion. I regret exceedingly that the honorable Senator should have placed the President so awkwardly, when, in speaking of the "Lincoln-Johnson policy," he made the President, by implication, little else than a usurper. When the Senator assumed that all power was lodged in the President, and as a result, none in Congress, I question his warrant of attorney from the President so to speak.

I will endeavor to discuss the first postulate of this paragraph. It is a most important position. When scrutinized, it will be found the exact epitome of the secession doctrine, originating in the heresy of State sovereignty. I repeat its language:

"One of the limitations upon those rights is, that it shall have no power to organize any State government not republican in form, while it may adopt any form of republican government."

These words, Mr. President, "any form of republican government," uttered at this time, and in connection with the questions of establishing governments in the southern States, become words of most portentous meaning. It is the old idea of the secessionists; has been repeated by them for the last forty years; is precisely in conjunction and rapport with their expressed ideas of State sovereignty; and means with these men of the South the right to adopt such republicanism as Mr. Garnett in his letter to Trescott alluded to, and which was in opposition to democratic or suffrage government. "Rome was a republic," says the South Carolinian, and the features of that government and the organization of society under

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it is the *beau ideal* of the controlling influences of the Palmetto State. The Amphictyonic League or Council has been called a republican political organization; and, judging it by its mixed medley of contradictions, it amounted in its diversified phases, using the language of the Senator by way of description, to about "any form of republican government." Venice was a republic, described as such in all history, and would be embraced in the Senator's category of "any form of republican government." I will not stop to describe its political organization, its machinery of oppression, but will content myself by saying, that to adopt its principles would lead us over a more "sorrowful bridge of sighs" than that which led from the Venetian palace to the prison of death. "A republic," says the English lexicographer, "may be either a democracy or an aristocracy." It has been this mischievous latitudinarian construction of the term republican government, in connection with the assumed right to adopt "any form of republican government," that has created the political divergence between South Carolina and Vermont, or between Mississippi and Ohio. All that these southern secessionists, now thrusting themselves in the foreground, have ever claimed, or could possibly desire, would be the permission to establish this "any form of republican government" according to their latitudinarian construction. I suppose that when the Senator talks about State rights and State sovereignty, in connection with this "any form of republican government," he means such degree of "State sovereignty" as shall allow, not the people, but a privileged class in the seceded States, to establish just such republican government as they please.

I have no disposition to play upon words. Time and again, since the commencement of this session, have I heard the same phrase made use of. I understand its meaning well. Had the Senator from Wisconsin been alone in the use of this phrase, "any form of republican government," I would have attributed it to inadvertence; but when it is made a sort of political axiom by secessionists and secession sympathizers, and gravely repeated in this body, I shall endeavor to hold the Senator from Wisconsin politically responsible for the utterance of the exhumed heresy. Had the honorable Senator said, in general terms, "the States of the South may adopt such republican or suffrage government as accords with the spirit of our institutions, and is implied in the fundamental law, and with such practical organization as shall give the best possible protection to the natural and personal rights enumerated and implied in the instrument," I would have wholly agreed with him. But if the Senator should be disposed to take issue with one jot or tittle of this proposition, I pronounce him outside of the Constitution, and just so far at war with its principles.

The labored speech of the Senator from Wisconsin has greatly puzzled me. Though I do not accuse him of an attempt at imitation, it reminds me of a certain philosopher who gave his pupils instruction in the art of "popular persuasion." "If you have occasion to urge an unsound proposition," said he, "you must not urge it directly. You must first command the confidence and the credulity by a preface of self-evident propositions; and when you have effectually done this, you must pop in the sophistry on your audience unawares."

I quote from the Senator's speech the following extract:

"I now inquire, what must be the terms and conditions of peace in order to put an end to civil war in these United States? I answer, the Constitution of the United States is the paramount and indissoluble bond of union and relationship and peace among the several States. An attempt to overthrow that is civil war. Submission to that is peace. Therefore,

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neither the President, nor Congress, nor the Supreme Court, nor all put together, can make any other treaty of peace or bond of relationship among the States. Nothing short of successful revolution, or of a decision of the sovereign people of the United States to amend that Constitution, can change the relationship between the States one jot or tittle. Though men and parties may change, the Constitution as the basis of that relationship in this Union will remain perpetual.

"What terms had the President a right to demand of these States, or of their people, as conditions precedent to peace and the withdrawal of the army?

"First, and before all, and as the basis of all, unqualified submission to the Constitution of the United States, and all laws of Congress passed in pursuance thereof.

"Second, the annulling of all acts, laws and proceedings by which the States made or prosecuted war against the United States, including the rebel debt.

"Third, acquiescence in the situation which the war has brought upon them, including the abolition of slavery, for and on account of which they made the war; for the sincerity of such acquiescence, and as the supreme test of its good faith, the adoption of the constitutional amendment by which slavery, the cause of the war, is surrendered and made impossible, and liberty made sure, by being placed under the guardianship of Congress in every State and Territory forever.

"Fourth, the practical resumption of their political duties, upon those terms, as States in the Union.

"These are the conditions, in substance, upon which President Lincoln almost three years ago announced to the people of these States the terms of pacification to which he pledged the support of the executive Government.

"These are the substance of the terms offered by President Johnson."

Sir, I cavil with none of this preface. It is the following conclusion that I take exception to:

"Several of the States, or the people of several States, have accepted them, and offer now to resume all their political duties as States in this Union, and practically enjoy their rights as such. Shall we allow them to do so?

"If these terms have been accepted by these States, or the people of these States, in good faith, is not the faith of this nation pledged, just as much pledged as by the terms contained in the surrender of their armies?"

In these extracts we have the Senator's preface and his conclusions as to the duty of Congress to recognize their organization, and admit their Senators and Representatives.

Let us now inquire, Mr. President, whether the controlling influences in these States have mentally, morally, unreservedly, and in good faith given in their adhesion to the principles of the Constitution; whether, in their State organizations, they declared and recognized as citizens the whole native-born population on the basis of "equality before the law;" whether, and if so, what provision they have made for maintaining and protecting the natural and personal rights enumerated and implied in the Constitution. It seems to me, sir, that if they have done all this it would supersede the necessity of congressional legislation in establishing the Freedmen's Bureau, its vast and expensive machinery, and, if not imperatively required, its most objectionable power. If the Senator's affectionate confidence in these controlling forces in the South is so well founded, why is it that the President, his generals, and the War Department are debating the question as to whether we shall keep on foot an army of fifty, seventy-five, or one hundred thousand men to hold them in subjection. Certainly these establishments are most expensive, most embarrassing to the national finances, and all of us alike deplore their necessity. It seems to me, sir, the Senator's peace is a strange kind of peace; and whether it is a peace upon a war basis, or a war on a peace basis, I trust the Senator will in due time inform us.

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Mr. President, after enumerating reasons why loyalty alone should take seat in the Halls of Congress, there is one test and touchstone of the kind of loyalty that should be required. It is that kind of loyalty which cherishes the names and brave deeds of the nation's defenders by land and water. If the offered representative should bear hatred or malice, or feel indifference or coldness toward this class of our citizens, or be barren in affectionate veneration to the memories of those who have fallen, or wanting in a disposition to nourish and sustain the widow and orphan, made such in the defence of the nationality, I would spurn him as a political viper that was not to be fellowshipped, or tolerated. We know the political ideas and principles which these brave men defended, and the leaders of the rebellion know it as well as we. We know and understand the *animus* and spirit with which the southern conspiracy was entered upon, and these galvanized rebels know it as well as we. There can be neither peace nor security to the country until this contumacious spirit of the southern leaders is annihilated. There is no necessity of giving it encouragement, and I regard it as a criminal neglect of duty to palter to its humors. There is not a State in the South but which has fit men, and an abundance of fit men, according to the highest standard of qualification for representatives. They have men who have stood through peril for the Union; men of character, and men whose talents would adorn the Halls of Congress. These men alone are entitled to appear here, for they would be an assisting force. They are the only kind of representatives that any section can constitutionally claim. If we would not inaugurate anew the old rebel brawl in Congress, we shall wait until reliable and true men from the South shall be permitted to come and take seats by the side of loyalty.

Most unfortunately for the Senator's position, we have it from reliable authority that the unconditional loyalists, except in few localities, cannot be elected to office; that men if elected at all, must be elected on the strength of their notoriety as rebels; that in the organization of the social circle Union people are excluded, and amenities awarded to the disloyal only; that every arrangement is undertaken and carried out that can by possibility make Unionism unpopular and odious, and treason popular and respectable. Added to this, Senators and members are flooded with letters from southern Union men, begging and imploring that Congress may not leave them in the hands of these Philistines, unprotected, by withdrawing the army. The Provisional Governor of Texas is a truly loyal man, and the information comes from a high authority, that it is doubtful whether he could stay a day behind the withdrawal of the troops in safety. Governor Brownlow, of Tennessee, is another of the truly loyal Governors of the South. On the 15th of the last month he wrote to the Speaker of the House of Representatives as follows:

"If the removal of the Federal troops from Tennessee must necessarily follow upon the admission of our congressional delegation to their seats, why, then, and in that case, the loyal men of Tennessee beg to be without representatives in Congress. But our members can be admitted and a military force retained sufficient to govern and control the rebellious. I tell you, and through you, all whom it may concern, that without a law to disfranchise rebels, and a force to carry out the provisions of that law, this State will pass into the hands of the rebels, and a terrible state of affairs is bound to follow. Union men will be driven from the State, forced to sacrifice what they have, and seek homes elsewhere. And yet Tennessee is in a much better condition than any of the other revolted States, and affords a stronger loyal population.

"Those who suppose the South is 'reconstructed,' and that her people cheerfully accept the results of the war, are fearfully deceived! The whole South is full of the spirit of rebellion, and the people are growing more bitter and insolent every day. Rebel newspapers are springing up

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all over the South, and speaking out in terms of bitterness and reproach against the Government of the United States. These papers lead the people, and at the same time reflect their sentiments and feelings. Of the twenty-one papers in Tennessee, fourteen are decidedly rebel, outspoken and undisguised, some of them pretending to acquiesce in the existing state of affairs. In all the vacancies occurring in our Legislature, even with our franchise law in force, rebels are invariably returned, and in some instances rebel officers limping from wounds received in battle fighting against the United States forces! And yet, I tell you, that Tennessee is in a better condition than any other revolted State.

"Others will give you a more favorable account. I cannot, in justice to myself and the truth. I think I know the southern people. I have lived fifty-eight years in the South of choice, and two at the North of necessity."

Mr. President, there is a logic in this statement of Governor Brownlow that seems to me undeniable. It is a logic founded on practical experience. It is the same that led to the policy adopted in Missouri in disfranchising disloyalty, and which has given us a delegation from that State, ingrained in its loyalty, and firm and useful in establishing a just national policy. A class that started the rebellion into growth and attempted a revolution upon the idea that "republican government was a failure;" that "the real civilization of a country is in its aristocracy, which should be made permanent by laws of entail and primogeniture;" that regards popular government as "the mistaken civilization of the age;" that would institute in the place of republican government "an hereditary Senate and Executive" is neither fit to represent or to be represented in any political body, State or national, within the bounds of this Union. After having done and attempted what it has, there is but one right left to it, and even that is a matter of political grace, awarded not by justice, but by mercy. That right consists of bare permission to exist, but on the condition of peaceful conduct, and on strict forbearance to do their country or countrymen any further injury.

I have no doubt, sir, the Senator from Wisconsin might travel South, speech in hand, and be favorably received. If he would consent to denounce the majority in Congress as radical fanatics and enemies of the South, he would be "wined, dined, and feted;" secession ladies would smile on him; his journey be made a continued ovation; and the Senator everywhere the hero of the banquet. But should he go without his recent prestige, and talk as he talked to the people of Wisconsin when he induced them to send him here, I have no doubt he would come back with about the same opinions expressed by Governor Brownlow.

Mr. President, there is a strange idiosyncrasy in some minds, amounting to an almost perverse tendency to delusion. It springs from a too great generosity of nature; a generosity that confides too far in doubtful sources of information. Mr. Lincoln, in the earlier part of the war, was surrounded and beset by rebels in disguise and rebel sympathizers of every grade. Most of his hesitating policy, so much complained of, was ascribed to this cause. If our present Executive is not more than human he cannot be wholly impervious to the stream of hypocrisy that for some months has been continually poured upon him. A rebel at the White House seeking a pardon, or claiming to be a representative in Congsess, is a very different thing from a rebel teaching his neighbors or constituents that treason is a thing to be commended, and disloyalty to the Union Government a peculiar merit. For myself, sir, I have seldom been deceived by the statements of Union men. I have never known a man to rely on the statements of disunionists, where there was a possible motive to disguise the truth, but who was deceived. If loyalty and truthfulness do not go together, and if treason and hypocrisy are not

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concomitants, then, indeed, have my observations been at random. Senators will excuse me for adopting the homely adage, "If he cheat me once, the fault is in the cheater; if he cheat me twice, I make the fault my own." I prefer to rely on the statements coming from the loyalty of the South.

Mr. President, if it were the case that a compliance with the terms and spirit of the Constitution imposed any hardship on the South, or any class in the South, I might have scruples as to the course to be pursued. As no hardship or injustice is possible I shall now insist to the last extent that allegiance and protection must go together. If the contumacy in the South continues I shall not consent to call it peace. If protection cannot be enforced except by congressional legislation, Freedman's Bureaus, and standing armies, there is a way, I think, to bring this rebellion to a close. Without further paltering, I announce myself ready to join in the proposed measure of laying contributions upon the seceded States to pay every dollar of the expenses which contumacy adds to the Government. If treason has not already had sufficient luxury out of rebellion, then let its cup be filled. I shall object to imposing these enormous expenses upon the honest, peaceful industry of the country.

STATE SOVEREIGNTY—ITS SUBORDINATION TO THE CONSTITUTION.

I feel impelled, Mr. President, to review the position of the Senator from Oregon [Mr. NESMITH.] He assumes to deny "all power in Congress or the President, or in both combined, to make a State constitution or to dictate any provision which shall be contained in it." He assumes "that a constitution must be wholly made by the people over whom it is established, and can be made or amended by no other persons whatever." This, sir, is the doctrine of "State sovereignty" with a vengeance. It is the ultimatum of all that was ever claimed by the secessionists. It was the precise doctrine to which they attached their sliding scale perversion of the phrase, "Governments can be instituted only by the consent of the governed." It was from this "half-way house" that the secessionists started on their journey through the political wilderness of the confederacy. The Public Functionary at the White House said, "You have no right to secede, but if you do secede, the General Government has no power to restrain you." With the commencement of the war commenced the construction of the Constitution and the powers of the General Government under it. We had generals in command who construed and interpreted the Constitution as Mr. Buchanan did, and who fought in precise accordance with their interpretations. We had other generals who interpreted differently and fought differently. We had men in Congress who agreed with Mr. Buchanan, and who talked and acted like him, and others who thought, talked, and acted differently. We had a demoralized political party that agreed with its old leader, while the bulk of the people said, "This will never do." For four years we were engaged in construing the Constitution under the arbitrament of the sword. As the result of the conflict necessity compelled the rebels to lay down their arms. The terms of the surrender were "obedience in all things to the Constitution." This involved the surrender of the doctine of "State sovereignty," the right to secede, and all other political heresies that had involved the nation in civil war. We have paroled the rebels, but we have not released them from any obligation to the Union. Their political heresies we have never released or paroled. We hold these heresies to-day as prisoner of war. They

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have not in any manner been amnestied, and it has become the duty of Congress to determine what shall be done with them. In dealing with these heresies, I am at no loss for power in Congress, for I read the Constitution thus:

"Whereas, we, the people of the United States, and we, the people of the several States acting through the State authorities, for the purpose of securing a more perfect Union, and for the purpose of avoiding any tendency to disintegration by reason of State governments dissimilar in principle, do hereby ordain and agree that the United States shall guaranty and make secure to every State in this Union, and every State that may come into the Union, a republican form of government; which term 'republican form of government' shall be construed to mean popular suffrage government, and no other. It is further ordained and agreed that the natural and personal rights enumerated and implied in the Constitution are and shall remain inviolate, and that neither the United States, nor any State government or authority shall subvert or impair them. And it is further ordained and agreed that the General Government, acting for and in behalf of all the States, and of each State, shall have both a restraining and constraining power over every State, and such powers as the exigency demands to bring every State into compliance and accord with the principles of this Constitution. And it is further agreed, ordained, and established, that the Constitution of the United States and all the provisions thereof, though not written in the State constitutions, shall, nevertheless, be and remain a part of the constitution of each State and shall form the common fundamental law of every State, and shall be and remain the supreme law in all the States; provided, nevertheless, that each and every State shall have the right and power to adopt and establish such other provisions in its fundamental law as accords with and does not in any manner conflict with, said common fundamental law of all the States."

Mr. President, how does it happen that men, in looking at the governmental framework of the whole country, overlook the fact that the Constitution of the United States forms a part of the constitution of each State, and what is more, the vital, sovereign, and controlling part of the fundamental law of every State? Sometimes a part of the Union Constitution is written out and ingrafted in form on a State constitution by what is called a "bill of rights." This adds nothing to the binding character of the provisions. A repetition of these fundamental provisions, as applicable to a locality, is merely incorporating what before, if I may use the expression, was the politically omniscient and omnipresent sovereignty, the national fundamental law. No State can adopt anything in a State constitution in conflict. When it is assumed that Congress cannot dictate to a State what its fundamental law shall be, I answer—the Constitution dictates; the Constitution makes the mandate on all the States; and the same Constitution commands Congress, as the tribunal of States, to carry that mandate into execution. This power of Congress to superintend and control the governmental framework of all the States, given, not only in express terms, but by all implications arising from political necessity, not only controls the political organization of States, but the legislation of every State. Let Senators cast about and see whether human ingenuity can suggest a natural or personal right that is not established and provided for in the Constitution. Let Senators again cast about and see whether human ingenuity can devise or invent any governmental machinery that could make transgression on these rights legitimate. These natural and personal rights are State rights, and all the legitimate sovereignty

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the States have, or can have, is to protect them under equal laws. It is thus, Mr. President, that I read and construe the Constitution and the power of Congress under it; and it is thus I propose to deal with the doctrine of State sovereignty and the reserved powers of the States.

If, in the restructure of southern State government, with its altered condition of citizenship, "neither the President, nor Congress, nor both together, had any power to dictate any provision which should be contained in the State constitutions," I should be at a loss to account for the conduct of the President. The Executive most certainly has assumed to dictate, or the people are very much misinformed. The President has said, "You must do so," and "You must do so," and "You must do so and so, or your work will not be accepted or ratified." The President, it seems, has practically agreed with Mr. Madison, who, in commenting on this provision guaranteeing republican government, says:

"In a confederacy founded on republican principles, and composed of republican members, the superintending government ought clearly to possess the authority to defend the system."

This great statesman, who is said to have drawn the provision, had no scruple in declaring that the superintending government, in case of necessity, "had the power to alter State governments without the concurrence of the States themselves." It seems to me, sir, that as soon as a State is outside of the Constitution, and in contumacy with it, the restraining and constraining power of the General Government attaches; that if the contumacy is persistent, it calls into requisition the military power of the nation; that if determined resistance follows, it may in the end call for the last degree of rigorous war. After having practiced for four years on this platform of right and power, we are now told in effect that the arm of the Government is paralyzed, and that it cannot consummate the work which the rebellion has imposed. Sir, I believe in no such doctrine.

Mr. President, I am no consolidationist in the objectionable sense in which that word has been employed. I am for the largest exercise of power by the States, and all the power that comports with the Constitution of the Union. I am a believer in the doctrine that such power properly and rightfully belongs to the States, and that the nature and design of the whole governmental framework was to permit local administration in all matters that were not of necessity thrown upon the General Government for strictly national purposes. I would be opposed to taking from the States any power they could rightfully claim, and no one regrets more than myself the painful necessity of congressional legislation to effect under circumstances now existing, what cannot at present be otherwise accomplished. Not a man in Congress, I presume, but would rejoice to see accomplished through local State legislation and State administration all that Congress can do, directly or indirectly, by restraint or constraint, in carrying out the principles of the Constitution. What I am contending for, is the power of Congress to force local State government into compliance with the sovereign law. This I claim in the most enlarged and liberal sense, and I should be unwarranted in consenting to yield one "jot or tittle" of that power; for experience now tells us that we know not when nor under what circumstances it may be needed, nor how imperiously its exercise may be demanded.

In standing here to vindicate the principles of the Constitution and the power of the General Government under it, I trust I shall not be accused of fanaticism. If it is urged that I am radical, I reply that I intend to be just as radical as the

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Constitution. It has often been said by unthinking men that the first clause in the Declaration of Independence was a mere rhetorical flourish without any practical meaning. It may be said by the same class that the clause in the Constitution that guaranties republican government also has no practical meaning. That assertion, however, will be of little avail with a people who have suffered so much and who have so many safeguards to provide for the future. This provision has grown to be one of the most important provisions of the fundamental law. It is the restraining and constraining power that keeps the parts confined to their spheres and takes away the causes of jarring dissensions. It was designed to keep all political authority restricted to the protective principle. However expanded the nationality or jurisdiction might become, it was intended that expansion should carry with it the highest and best system of protective government. This was known by our fathers to be, as we know it to be, the only effective bond of Union.

On the protective principle must we build the foundation of republican government, for that is strength, that alone is peace, that is progress. I am of the opinion, sir, that when the power of Congress, as it exists under the Constitution, is fully and widely comprehended by the people, and acknowledged and recognized by the people, it will do much to hasten the settlement of all difficulties. The very prestige of this power will have the same effect to keep the peace internally as the prestige of national power has in keeping the peace with other nations.

Mr. President, it has been said, and repeatedly insinuated in political circles, that the Republican party has performed its mission; that the great Union party of more recent formation has ended its work; that the rebellion has been put down, and that the party that has carried the nation through its perils thus far is not adapted to the consummation of a conciliatory peace. If such a peace is meant as would compromise with the pro-slavery spirit, as would aim at the re-establishment or continuance of local despotism in the South; that would deny protection to the natural and personal rights of citizenship; that would bring the enemies of the Government South into effective alliance with the forces of doubtful loyalty in the North; then, sir, I trust that the great Union party is not in the frame of mind to negotiate or establish any such peace. The balance of the mission of this party is very different. It finds manifold difficulties of the same nature of those which troubled our fathers at the close of the Revolution. It finds these difficulties multiplied by a many times multiplied defection of political forces; by a vast national debt which these forces would repudiate; by a basis for illegitimate claims against the Government, that, if allowed, would destroy our national securities and prostrate the nation in finance; and added to this, the desperate efforts that will be made to undermine the political morality of the legislative and departmental powers of the Government. Our public affairs are, and will continue to be, in a critical situation for years to come. The danger does not lie with the loyal people of the Union, for they who have stood by their own great cause will not forsake it unless they are paralyzed by a betrayal here—here, at the seat of Government. It will be here, in the Halls of Congress, and in the departments of the Government, if betrayal comes at all. Were it competent for me to send forth a word of admonition to the people, I would say to them: "Stand to your own great cause with continued fidelity. Let us bear our burdens with patience and our griefs with fortitude. Send into the Halls of Congress none but such as you know you can trust, while the pledge is given here that none will be permitted to enter, with the assent of Congress, who would betray your cause."

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Mr. President, I stand here no less the friend of the South than the friend of the North. I yield to no man in honest desire to do that which is best. We have all been instructed by common calamity, and if I have dealt plainly with the causes that led to it, I have neither spoken in malice nor intentionally stepped beyond the bounds of a just propriety. If the South choose to liberalize her policy, to put its industrial forces into requisition on the principle of a just mutuality, to invite capital, enterprise, and skill, by amenity, to make the South flourish as it is capable of flourishing, its people socially and politically contented by improvement in the condition of its society, no one will rejoice more than myself, and no one will labor more earnestly to promote by any possible means such condition. I will assume, sir, that I speak the sentiment of the majority in this Congress when I express the desire that the seceded States shall be restored at the earliest possible day consistent with the public security. That time will depend on the greatly altered frame of mind that must come over the people of those States. I hope the time may soon come when the South can say with pride, "The strength of the North is my strength," and that the North can say with confidence, "The strength of the South is my strength." I trust that all the States will be enabled ere long to say, "We have built our governments, State and national, on the immutable principles of justice. On this platform must we all stand, assured that such only can be made the foundation of stable government." I assume this to be the *ultimatum* of the majority in Congress and the voice of the Union party that elected it.

While I am no advocate for the centralization of powers that could by possibility prove dangerous, I am the advocate of such central power as may operate with effect against local despotism; be adequate to diffuse simple justice, and make it extend to every political community, however remote from the centre. This is all I claim; and this much, I think, is made more and more apparent the more we study the nature and design of our Government. To the student of political philosophy our Government will hereafter appear to have no feature, or power of oppression, aggressive or permissive. When this is practically realized, and practically acknowledged, if such things be permitted to those beyond the grave, the five great men who stood up before the Continental Congress and proclaimed a new political theory may look down and say, "It is accomplished! it is accomplished!"

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